

**COMMITTEE ON SCIENCE
U.S. HOUSE OF REPRESENTATIVES**

HEARING CHARTER

Federal Support for Firefighters and First Responders: A View from Central New York

**Monday, June 21, 2004
12:30 p.m.
Auburn, New York Fire Department**

1. PURPOSE

On Monday, June 21st, 2004, the House Science Committee will hold a field hearing to examine the Assistance to Firefighters Grant Program (AFGP) and its impact on the fire departments of upstate New York. The hearing will also consider legislation (H.R. 4107, the *Assistance to Firefighters Grant Reauthorization Act of 2004*) introduced by Chairman Boehlert to authorize continued funding for the AFGP through fiscal year (FY) 2007.

2. WITNESSES

Mr. R. David Paulison is the U.S. Fire Administrator and Director of the Preparedness Division of the Emergency Preparedness & Response Directorate/FEMA in the Department of Homeland Security. Prior to his appointment as U.S. Fire Administrator in December 2001, he was chief of the Miami-Dade Fire Rescue Department. Administrator Paulison will be accompanied by **Mr. Brian Cowan**, Director of the Assistance to Firefighters Program for the Department of Homeland Security's Office of Domestic Preparedness (ODP).

Mr. Michael Quill is the Chief of the Auburn, New York Fire Department. The Auburn Fire Department serves a population 29,000 and is staffed by approximately 70 career firefighters.

Mr. David Perkins is the Assistant Chief of the Aurelius Volunteer Fire Department in Auburn, New York. The Aurelius Fire Department serves a population of 3,200 permanent residents and is staffed by approximately 60 volunteer firefighters.

Mr. Brian McQueen is the Chief of the Whitesboro, New York Volunteer Fire Department. The Whitesboro fire department serves the village of Whitesboro and part of the town of Whitestown, and is staffed by 63 firefighters.

Mr. Pat DiNonno is the Fire Coordinator and Director of the Office of Emergency Management for Cayuga County New York.

3. OVERARCHING QUESTIONS

The hearing will address the following overarching questions:

1. How effective has the Assistance to Firefighters Grant Program (AFGP) been at improving the overall level of readiness of fire departments in upstate New York? How

- has the program evolved since its inception in 2000? What level of need still exists with regard to the ability of departments in this area to respond to day-to-day hazards, and in what areas are the gaps greatest?
2. How do upstate New York fire departments view H.R. 4107 and the AFGP, and what recommendations do they have for improving the legislation?
 3. How does USFA interact directly with fire departments across the country to respond to their needs and concerns, and how might fire departments around the country take better advantage of USFA programs and services?

4. BRIEF OVERVIEW

- In 2000, Congress established the AFGP in the U.S. Fire Administration to award grants directly to local fire departments to protect “the health and safety of the public and firefighting personnel against fire and fire-related hazards, and to provide assistance for fire prevention programs.” (The current authorization expires at the end of FY 2004.)
- Since 2001, the AFGP has distributed \$1.1 billion to nearly 17,000 fire departments around the country. In the current FY 2004 grant year, \$750 million was appropriated. Approximately 20,400 departments applied, requesting \$2.3 billion in equipment, training, vehicles, and other support. The first round of awards were announced on June 4th. Continued award announcements are expected on a weekly basis from now through the end of the year. In the FY 2005 budget, the Bush Administration has requested \$500 million for the program.¹
- From its inception until FY 2003, the AFGP was administered by USFA. For the first time this year, the program is being administered by ODP as a result of language included in the FY 2004 appropriation bill for the Department of Homeland Security. Many in the fire services and Congress have voiced concern that this transfer could shift the focus of the program toward state-administered counter-terrorism assistance and away from providing direct assistance on a competitive basis to fire departments for the purpose of improving basic firefighting capabilities.
- On April 1st 2004, Chairman Boehlert and a bi-partisan group of Congressional Fire Services Caucus leaders introduced H.R. 4107, the *Assistance to Firefighters Grant Reauthorization Act of 2004*. The bill would authorize \$900 million per year for the program in fiscal years 2005-2007. While H.R. 4107 continues the AFGP mostly unchanged, it does make several programmatic modifications, including:
 - Program Location. Transfers authority for administering the AFGP from ODP to USFA.
 - EMS Eligibility. Allows volunteer non-profit, non-hospital Emergency Medical Service (EMS) squads not affiliated with fire departments to apply for grants. The bill would set a cap on the amount of funds those entities could collectively receive at 4 percent of the total appropriation for the program.

¹ On June 9th, 2004, the House Committee on Appropriations passed the FY 2005 spending bill for the Department of Homeland Security. The legislation provides \$600 million for the AFGP, \$100 million above the President’s request and \$150 million below the FY 2004 level.

- Non-federal Match. Reduces from 30 percent to 20 percent the non-federal matching requirement to receive a grant for jurisdictions that serve more than 50,000 people.
- Maximum Grant Size. Increases the grant-size cap from \$750,000 to \$3 million for jurisdictions that serve more than 1 million people, \$2 million for jurisdictions that serve between 1 million and 500,000 people, and \$1 million for all other departments.
- Volunteer Non-Discrimination. Specifies that departments that receive funding under this Act cannot discriminate against, or prohibit employees from engaging in, volunteer firefighting activities in another jurisdiction during off-duty hours.
- Peer Review. Codifies USFA's current practices of consulting with fire service organizations in considering criteria changes to the AFGP and appointing fire service personnel to conduct peer review of applications.
- The legislation has been endorsed by the New York State Fireman's Association, National Volunteer Fire Council, National Fire Protection Association, and National Association of Towns and Townships.

5. BACKGROUND ON USFA

America's Fire Problem

In the early 1970's, a report by the President's National Commission on Fire Prevention and Control entitled *America Burning* presented a dismal assessment of fire safety in the United States. The report found that nearly 12,000 citizens and 250 firefighters were lost to fire annually, in addition to approximately 300,000 injuries.

When the USFA was established by Congress in 1974, its goal was to reduce by half the number of fire-related fatalities in the nation—bringing the number to approximately 6,000 or less per year within a generation. The agency met this goal, and by 1998 civilian fire deaths were at their lowest level. Additionally, using nearly any measure—number of fires, deaths, injuries, or property losses—the statistics also reflect a declining trend.

Despite this significant progress, the United States still has one of the worst fire safety records in the industrialized world. The per capita death rate remains two to three times that of several European nations and at least 20 percent higher than most developed countries. Fire remains the cause of approximately 3,700 deaths and \$11 billion in economic damages each year, and every 18 seconds a fire department responds to a call somewhere in the United States.

USFA Programs

In addition to supporting the AFGP, USFA programs include the following:

Data Collection — USFA's National Fire Data Center (NFDC) administers a national system for collecting, analyzing and disseminating data and information on fire and other emergency incidents to State and local governments and the fire community. The NFDC provides a national analysis of the fire problem, identifying problem areas for which prevention and mitigation strategies are needed.

Public Education and Awareness — Through partnerships and special initiatives, USFA involves the fire service, the media, other federal agencies and safety interest groups in the development

and delivery of fire safety awareness and education programs. These programs are targeted at those groups most vulnerable to the hazards of fire, including the young, elderly, and disabled. For example, USFA recently announced the development of an aggressive plan to advocate increased use of residential fire sprinklers, which have become significantly more effective and less costly due to new technology, but are installed in only a very small percentage of homes.

Training — USFA’s National Fire Academy offers educational opportunities for the advanced professional development of mid-level and senior fire and emergency medical service officers and allied professionals involved in fire prevention and life safety activities. In 2002, the Academy trained almost 8,000 firefighters in various courses at Academy headquarters in Emmitsburg, 86,000 firefighters through off-campus training programs (primarily administered through support of state training programs), and 195,000 through its distance-learning program. It is estimated that NFA has trained over 1.4 million students through on-campus and off-campus training programs since its establishment in 1975.

Budget — The President’s FY 2005 budget request for USFA “core activities” (those not including the AFGP) does not specify a level of funding for USFA. However, the FY 2004 request was \$61.0 million, a 49 percent increase above the FY 2003 request. Last November, the President signed legislation reauthorizing USFA activities through FY 2008, including \$63 million for FY 2005 (P.L. 108-169).

6. QUESTIONS FOR WITNESSES

Witnesses were asked to address the following questions in their testimony:

Questions for Mr. Paulison

- How effective has the Assistance to Firefighters Grant program been at improving the overall level of readiness of emergency responders in the United States? How has the program evolved since its inception in 2001 to better meet its charge of helping fire departments improve their ability to respond to day-to-day hazards? What needs still exist, and in what areas are the gaps the greatest?
- How is the Department of Homeland Security - and USFA in particular - working to balance support for basic first responder needs with support for counterterrorism preparedness?
- What is the status of traditional USFA activities such as public education and outreach, fire research and data analysis, and National Fire Academy training programs? How does USFA interact directly with fire departments across the country to respond to their needs and concerns, and how might fire departments around the country take better advantage of USFA programs and services?

Questions for Mr. McQueen, Mr. Perkins, and Mr. Quill

- How has your department’s ability to prepare for and respond to emergencies been impacted by the Assistance to Firefighters Grant Program? What needs still exist at your department with regard to its ability to effectively respond to day-to-day hazards, and what is your impression of the overall level of readiness of other departments in your region of upstate New York?

- What are the appropriate roles of federal, state, and local governments in helping your department meet its responsibilities to protect the public from fires and related hazards? In what ways can the federal government in particular improve its support for fire departments like yours?
- In what ways has your department interacted with USFA and other agencies within the Department of Homeland Security (DHS)? In your experience, how effective have these agencies been at delivering support through activities other than the fire grant program (i.e. training, education, outreach, etc.)? Please provide any recommendations you have for improving these activities within DHS.

Questions for Mr. DiNonno

- How does your office coordinate with Cayuga County fire departments? What issues are presenting the greatest challenges for first responders (including police, EMS, and others) in your area, and what are the most pressing needs in terms of equipment, staffing, training, communication, etc.?
- What are the appropriate roles of federal, state, and local governments in helping your office meet its responsibilities to protect the public? In what ways can the federal government, in particular the Department of Homeland Security and the U.S. Fire Administration, improve its support for offices like yours?
- How should the federal government balance support for counter-terrorism activities with that of more traditional first responder programs?

7. APPENDIX I

Section by Section Summary of H.R. 4107

Assistance to Firefighters Grant Reauthorization Act of 2004

Sec. 1. Short Title.

“Assistance to Firefighters Grant Reauthorization Act of 2004”

Sec. 2. Findings.

Contains 27 Findings describing fire department needs and other relevant fire statistics.

Sec. 3. Amendments.

Amends Section 33 of the Federal Fire Prevention Control act of 1974 (15 U.S.C. 2229), which authorizes the Assistance to Firefighters Grant Program (AFGP), making the following changes:

- (1) Strikes [FEMA] “Director” each place it appears and replaces with [USFA] “Administrator”.
- (2) Expands upon authority to make grants to fire departments to also include “volunteer emergency medical service squads”.
- (3) Expands authority to provide assistance for fire prevention programs under the program to include assistance for “firefighter safety research and development”
- (4) Expands upon eligible use of grant funds to include emergency medical services provided by volunteer EMS squads that are not affiliated with a fire department, hospital, or any for-profit entity.
- (5) Amends subsection on Fire prevention programs to-
 - (A) Expand the title to “Fire prevention and firefighter safety research and development”;
 - (B) Clarify that fire departments cannot apply for grants under this subsection.
 - (C) Expand priority consideration under this subsection to include organizations that focus on prevention of injuries “to high-risk groups from fire, as well as research programs that demonstrate the potential to improve firefighter safety”
- (6) Amends subsection on matching requirements to
 - reduce the non-federal match for departments serving jurisdictions of greater than 50,000 people from 30 percent to 20 percent; and
 - clarify the Fire prevention grants shall not have a matching requirement.
- (7) Amends subsection on grant size limitation to provide that –
 - (A) The total amount a grant recipient may receive is increased from \$750,000 to
 - \$1,000,000 for departments that serve a jurisdiction with 500,000 people or less;
 - \$2,000,000 for departments that serve a jurisdiction of 500,000 to 1,000,000 people; and
 - \$3,000,000 for departments that serve a jurisdiction with more than 1,000,000 people. The bill also provides that, upon showing sufficient need, a jurisdiction serving a number of people near the threshold may receive funding up to the next higher level.
 - (B) Re-designates subparagraph (B) as subparagraph (C)
 - (C) Provides that “no single recipient may receive more than one half of one percent of the funds appropriated under this section for a single fiscal year”; and
 - (D) Requires that not more than 4 percent of the funds appropriated to provide grants may be collectively awarded to volunteer medical service squads.”
- (8) Codifies current grant program practice regarding annual criteria development and peer-review process. Also adds at the end the following new paragraph on discrimination of volunteer firefighters:

- “(16) Protection of volunteers from discrimination- A fire department receiving funds provided under this section shall not discriminate against, or prohibit its members from engaging in, volunteer activities in another jurisdiction during off-duty hours.”
- (9) Authorizes annual appropriations of \$900 million for the program through fiscal year 2007.

Sec. 4. Reports.

- (a) Study on Need for Federal Assistance to State and Local Communities to Fund Firefighting and Emergency Response Activities- Directs the Administrator to--
- (1) reconduct the study required under section 1701(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, in conjunction with the National Fire Protection Association, to--
 - (A) define the current role and activities associated with the fire services;
 - (B) analyze the extent to which grant awards fulfill the goals of applicants; and
 - (C) provide a needs assessment to identify shortfalls;
 - (2) express the needs assessment under subparagraph (A)(iii) on a national and State-by-State basis; and
 - (3) measure the impact the Assistance to Firefighters Grant program under section 33 of the Federal Fire Prevention and Control Act of 1974 has had in meeting the shortfalls identified in the original report conducted under such section 1701(b).
- (b) Time for Completion of Study; Report- Directs the Administrator to complete the study under subsection (a), and submit a report on the results of the study to Congress, not later than 18 months after the date of the enactment of this Act.
- (c) Authorization of Appropriations- Authorized to be appropriated to the United States Fire Administration \$300,000 for fiscal year 2005 to carry out the study required by subsection (a).

8. APPENDIX II

FY 2003 AFGP Grants Awarded to Fire Departments in New York's 24TH Congressional District

FIRE DEPARTMENT	AMOUNT AWARDED (\$)	FIRE DEPARTMENT	AMOUNT AWARDED (\$)
Auburn	13,065	Oriskany Falls	43,380
Auburn	162,090	Oxford	128,358
Aurelius	119,804	Pittsfield	175,500
Bridgeport	67,954	Poland	119,761
Brisben	31,292	Port Crane	57,906
Castle Creek	49,524	Port Dickinson	3,677
Cayuga	12,370	Richfield Springs	89,280
Cincinnatus	75,042	Sanitaria Springs	72,104
City of Cortland	63,109	Seneca Falls	51,368
City of Cortland	8,190	Smyrna	12,150
Clark Mills	111,064	Springfield	41,094
Clayville	148,500	Stanwix Heights	48,017
Clinton	51,516	Trumansburg	96,912
Dolgeville	37,863	Utica	128,686
Durhamville	42,790	Vernon Center	57,600
East Herkimer	112,500	Village of McGraw	80,511
Enfield	43,249	West Oneonta	72,000
Fayette-Varick	118,423	Whitesboro	69,063
Fleming VFD #2	209,700	TOTAL	4,448,136
Frankfort	62,350		
Frankfort	342,000		
Garrattsville	31,361		
Geneva	84,798		
Genoa	32,445		
Halsey Valley	225,000		
Hartwick	122,815		
Henry Hiteman	56,043		
Horner	50,256		
Killawog	34,740		
Lisle	157,500		
Lodi	10,656		
Maine	38,533		
Middleville	28,665		
Mohawk	69,120		
New Berlin	74,250		
New Hartford	179,019		
Newfield	23,200		